

REMARKS

Status of the Application

Claims 1-25 are all the claims pending in the application. Claims 1, 4-7, 10-13, 15-17, 19-22 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kano et al. (Digital image subtraction of temporally sequential chest images for detection of interval change, Medical physics, Vol. 21, No. 3, March 1994). Claims 2, 3, 8, 9, 14, 18, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17 and 22, above in view of Yanagita et al., US Patent 6,415,049.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4-7, 10-13, 15-17, 19-22 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kano et al. (Digital image subtraction of temporally sequential chest images for detection of interval change, Medical physics, Vol. 21, No. 3, March 1994).

Claim 1 recites, in part, “a judgment means for judging whether the two images have undergone image processes, based on the process confirmation data attached to each of the two images” and “a correction means for correcting an image which has been judged to have undergone image processes, to correct the image to a state equivalent to its original state prior to the image processes, based on the image processing condition data attached thereto.” The Examiner alleges that Kano discloses all of the aspects of claim 1. Applicant respectfully disagrees.

Kano discloses that a subtraction image is obtained by the difference between the warped current image and the previous image. See page 456, first column of Kano. The warping an

image consists of performing a nonlinear geometric process on a image in order to change detections of, in this case, x-ray image data. As noted on page 454, second column of Kano, warping is applied as a preprocessing. In other words, a warped image is one that has undergone an image processing feature. Thus, Kano performs the subtraction process on an image which has undergone image processing. Claim 1, on the other hand, corrects the image to a state equivalent to its original state prior to the image processes (i.e., undoes prior processing). Thus, Kano fails to disclose the judgment means for judging whether image processes have been performed based on process confirmation data and further fails to disclose correction means for correcting the image to correct the image to a state equivalent to its original state based on the process confirmation data. The density correction performed by Kano, and cited by the Examiner, is not “undone”, but is maintained during the subtraction process for correction. Therefore, claim 1 is patentable over the applied art.

Claims 7, 13, and 17 recite similar elements to claim 1, and are patentable for reasons analogous thereto. Claims 4, 10, 15, 19, 21, 22 and 25 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 3, 8, 9, 14, 18, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano, as applied to claims 1, 7, 13, 17 and 22, above in view of Yanagita et al., US Patent 6,415,049.

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are dependent from claims 1, 7, 13 and 17, respectively. Because Kano fails to disclose all of the aspects of claims 1, 7, 13 and

17 and because Yanagita fails to cure the deficient disclosure of Kano, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 23 and 24 are patentable over the applied art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Dion R. Ferguson
Registration No. 59,561

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 15, 2008